

USDA Labor Management Forum

April 20, 2016 Minutes

I. ADMINISTRATIVE ITEMS

The USDA Labor-Management Forum (LMF) Meeting was called to order at 1:05 p.m.

Member Roll Call:

Labor and Designated Alternates:	Management and Designated Alternates:
Chris Ketner, AFSCME, Labor Co-chair	Bryan Knowles, DM, Management Co-Chair
Chris Berry, NFFE	Joseph Abbott, FSIS
Trina Liddell, AFSCME	Peter Bridgeman, FSIS
Rosalyn Livingston, AFGE	Pete Brownell, APHIS
Regina Wolf, NAPPQOSE	Kathy Hall, ARS
	Marilyn Holland, MRP
	Steve Placek, NAD
	Edna Primrose, RD
	Ed Rall-FSA

Other Attendees: Philip Brown-FSIS, Sherrie Carter-AFSCME, Dr. Edwin Cierpial, Jr.-OHRM, La'Shonda DeBrew-AFSCME, Jamie Edmunds-OPPM, Dan Kline-OHRM, Angelo Rhodes-OCIO, Matthew Schmit-OGC, Chearice Vaughn-AFSCME, Joe Ware-OPPM

Note Takers: Debbie Clark, Myron Greenhow and Adrian Lindsey

II. DISCUSSION

Introduction: **Bryan Knowles**, Employee and Labor Relations Division Director and USDA LMF Management Co-chair, called the meeting to order and yielded the floor to **Chris Ketner**, Labor Co-chair and American Federation of State, County and Municipal Employees (AFSCME) Union Representative, for any comments he had for the group. **Ketner** indicated he didn't have anything at this time and deferred back to **Knowles**. During the participant introductions, **Ketner** introduced two individuals he brought to observe the meeting—**Sherrie Carter**, AFSCME Local 3870 President, and **Chearice Vaughn**, AFSCME Local 3870 Second Vice President. After the introductions, **Knowles** requested a motion to accept the minutes of the January 20, 2016 meeting. **Ketner** moved to adopt the minutes; **Joseph Abbott**, FSIS Human Resources Director, seconded the motion. **Knowles** indicated they should be posted to the website within a week.

Knowles then introduced **Angelo Rhodes**, OCIO Program Manager, to give a presentation about the Controlled Unclassified Information Program.

Controlled Unclassified Information (CUI) Program: **Rhodes** displayed a slide show as part of his presentation (that had previously been disseminated to the Forum members) and began by informing the group they should think of the CUI Program in terms similar to sensitive but unclassified (SBU), as this program will replace it. It is a system that standardizes how the Executive branch handles unclassified information that requires safeguarding and dissemination, consistent with applicable law, regulations and government-wide policies. The program's purpose is to address inefficiency and provide a standardized way to mark unclassified information. The CUI Program was established by Executive Order 13556 which was signed in 2010, and it designated the National Archives and Records Administration (NARA) as the executive agent to implement and oversee the program. **Rhodes** stated there are currently over 100 markings used for unclassified materials that need to be protected, and there are no common definitions and/or protocols for using these markings—it is mostly ad hoc. The USDA has a policy for marking SBU and several other USDA agencies have policies as well. **Rhodes** indicated there are 23 approved CUI categories and referred to the slide show for specific information about them. He mentioned a potential conflict for USDA with one of the categories as it relates to the Farm Bill of 2008, i.e., farmer information cannot be shared, which OGC is currently reviewing. **Rhodes** stated as the CUI Program matures, he will be meeting with stakeholders and soliciting data calls to determine how information is currently being protected at USDA agencies. A training package and marking guide will also be developed and disseminated. **Rhodes** indicated the proposed rule is in the Code of Federal Regulations (32 CFR 2002) and is expected to be final on May 25. Agencies then have 60 days from the final rule to begin implementing the program, which is July 25. Every agency has to identify a program manager and **Rhodes** is the one-deep full-time employee handling it for now. The program has not yet been budgeted, but he has put in a request for FY17 and FY18. Agencies have a number of actions to take and **Rhodes** referred to a timeline included on the slide show as he discussed a few of them. A draft policy will be developed that will replace the current SBU policy; a training and awareness plan as well as an IT transition plan will also be developed. **Rhodes** indicated the USDA email system a moderate system, which means it is acceptable for scanning/emailing CUI information. **Ketner** asked whether emails would have to be encrypted; **Rhodes** replied he has not seen anything that would make it a requirement to be encrypted. **Rhodes** added that a self-inspection plan has to be in place when NARA and OGC come to inspect our progress on implementing program, and full implementation is projected out about 3-4 years. **Knowles** asked if OCIO is going to put out a regulation after the policy drafted/finalized; **Rhodes** indicated their office currently has a draft policy and once it has been finalized they will be sending it out to the agencies for comment. **Knowles** responded there may be labor relations issues with those that will need to be addressed at the appropriate times. **Knowles** asked what onus is on agencies with respect to this program, what the impact is to employees, and whether it will embrace email correspondence. **Rhodes** replied this program will affect the entire Department and every county office; however, they won't know the specific impacts until they get training packages in place and start meeting with agencies—it will likely be different at each agency. **Ketner** wanted to know if the new policy will require

email correspondence to be encrypted. **Rhodes** indicated there is no such expectation, but they do expect the encryption of PII (personally identifiable information). **Peter Bridgeman**, FSIS Deputy Assistant Administrator, asked what the timeline is for implementation. **Rhodes** responded three to four years. **Ed Rall**, FSA Acting Director, Economic and Policy Staff, wanted to know what is required for initial operating capability (IOC); **Rhodes** replied we have to go from IOC to full operating capability within a 4-year period. **Abbott** commented this doesn't appear to really be changing anything. **Rhodes** responded that is correct—they are ensuring there is a defined framework in place; the assumption by NARA is that each agency already has something in place. **Chris Berry**, NFFE Forest Service Council President, asked what the bottom line is for labeling/not labeling CUI; **Rhodes** replied labeling or not labeling could result in a CUI incident. The incident would then have to be investigated and subsequently mitigated based on new CUI incident handling procedures. **Berry** jested will it be electrocution [*chuckles from the group*]. **Rhodes** indicated it's difficult to say at this point, possibly remedial training. **Knowles** stated there appear to be multiple concerns and **Ketner** agreed. **Knowles** followed up asking if it is expected training will occur throughout USDA. **Rhodes** responded that training would likely occur at the Department level before it is taken to the agencies, and they would also look at an annually-recurring requirement, much like the current information awareness training. **Edna Primrose**, Rural Development Deputy Administrator for Management, asked if they are going to create a new working group or use existing councils that oversee this type of thing—she referenced the Homeland Security Council and CIO Council as examples. **Rhodes** stated he briefed the CIO Council last week and asked them for a POC; their feedback will help determine how best to proceed. **Berry**, stated this seems much like HSPD-12, in that it initially appears to be a records issue, but IT is mixed in as well; **Rhodes** confirmed there is a lot of crossover between the two. **Knowles** told **Rhodes** he appreciated him talking to the group and anticipated having him back for updates. **Knowles** informed the group that questions from today's discussion on this topic can be forwarded to **Rhodes**, the CUI mailbox referenced on the slide presentation, **Knowles** or the OHRM Labor Relations staff. **Ketner** commented this seems to have the potential for PDI; **Knowles** indicated that is what he intends to address. With no other comments regarding this topic, **Knowles** introduced **Ed Cierpial**, OHRM Employee Development Program Manager, to provide an update on the 2016 Federal Employee Viewpoint Survey.

Update on the 2016 Federal Employee Viewpoint Survey: **Cierpial** informed the group that OPM shifted the start date forward one day to April 27 and added five days at the end; the survey will now end on June 8. **Cierpial** stated the eligible population for USDA this year is 81,591 and the sample population for the survey is 38,947, which constitutes 47.7% of our workforce. **Cierpial** indicated they followed OMB guidance this year and mapped to Senior Executives. Last year we had 1049 reports; with the new mapping this year, we will have 1,346 reports pre-generated from OPM. **Cierpial** identified three new POCs for FEVS – the main POC will be **James Brent** from DM's Virtual University; **Dr. Karlease Kelly** from DM will be an alternate and two other people assisting will be **Shaunda Ross** and **Ingrid Burford** from Virtual University. **Knowles** asked whether FSA employees have been included in the count. **Cierpial** responded they have been added and it increased our eligible population by approximately 8,000 and our sample population who will receive the survey increased by 4,936. **Berry** asked

how our sample population of 47% compares to other Departments. **Cierpial** indicated we won't know until about halfway through the survey when OPM sends information to agency CHCOs. **Cierpial** commented that mapping to the 4th and 5th level is encouraged but not required; mapping to levels 1-3 is required since that's where all of our Senior Executives are in USDA. **Knowles** asked if there were any questions; with no audience response, he asked **Cierpial** if he was leaving the agency. **Cierpial** informed the group he is moving to a new position at the Housing and Urban Development (HUD) as the Director of HUD University on May 2, 2016. **Knowles** thanked **Cierpial** for his help meeting with this group the past 2-3 years. With no further questions or comments on this topic, **Knowles** introduced two individuals from the Office of Procurement and Property Management (OPPM)—**Joe Ware**, Associate Director, and **Jamie Edmunds**, Program Manager, to present the next item on the agenda.

New Lease Accountability and Strategy Division: **Ware** deferred to **Edmunds** for the presentation, who began with a recap of actions that have led to the current status. **Edmunds** indicated this effort started in 2014, when over half of the leases within the Service Center Agency (SCAs), i.e., Farm Service Agency, the Natural Resources Conservation Service, and Rural Development, were identified as noncompliant and standing in a "month-to-month" or "holdover" status. The Department worked with GSA and the SCAs to create the Center of Excellence Program Management Office team led by OPPM to provide oversight and direction; by 2015, holdovers had reduced by 95%. In late 2015, the need to continue these efforts was identified along with a proposal to establish a new shared service division to provide leasing services to the SCAs, which comprise 75% of the USDA leasing portfolio. Since that time, agencies and local unions have been briefed on this approach, the Mission Area Support and Secretary's memos have been signed/sent, and notice was sent to Congress in March 2016, which is currently pending approval. **Edmunds** indicated there is still a lot of work to be done, but much has already been accomplished. At this point **Edmunds** asked **Knowles** and **Primrose** if there was anything either of them would like to add. **Primrose** complimented **Edmunds** on a great summation and indicated the SCAs are working well together on this process. **Knowles** added that **Robin Heard**, former Deputy ASA, worked with OPPM and agency LROs last year to identify employees who had leasing responsibilities in their position description; respective Locals with affected employees were then provided courtesy briefings by DM on this initiative. **Knowles** indicated this is a bookend on that process. With no further comments regarding this topic, **Knowles** moved on to the Open Microphone portion of the agenda.

Open Microphone: **Knowles** stated he has a few items to discuss, but deferred to **Ketner** to begin. **Ketner** stated he didn't receive a request for input or items for today's meeting agenda. **Myron Greenhow**, OHRM Senior Labor Relations Specialist, replied an email was sent a few weeks ago and he will check for it. **Knowles** and **Greenhow** reiterated to the group that input for the agenda can be sent anytime to anyone on the OHRM LR staff. **Knowles** began his comments by informing the group that the Committee on Oversight and Government Reform has been sending numerous requests for information regarding official time, i.e., salary of union officials and square footage of space provided by the agency. One request came in February from Congressman **Jason Chaffetz**, after which OPM called agencies together to discuss and convey the need to provide the requested information. **Knowles** stated he isn't sure whether

the USDA Office of Congressional Responsibility has sent the response to Congress yet. **Knowles** indicated there appears to be a great interest in official time and union activities and he's seeing more and more of these types of requests; he has received at least one a week for the past six weeks. **Knowles** indicated the Forest Service received a unique request separate from the one sent to USDA. **Berry** stated he only saw it once and it requested really detailed information. **Knowles** told the group he is mentioning this strictly for informational purposes and transparency. He acknowledged some of the requests are overly burdensome and he expects Congress to come back for clarification of what USDA sends in response to this most recent request. **Knowles** ended his comments on this topic by mentioning the National Council on Federal Labor-Management Relations is currently reducing their workgroups. On a different topic, **Knowles** informed the group that seasonal firefighters are not part of the agency population for the FEVS. **Rall** addressed the group with a comment that LR relationships can be difficult, and it would be nice if the Department wouldn't hinder those relationships. **Rall** clarified that the Office of Operations (OO) doesn't seem to be sensitive to labor law requirements, and suggested they need to take a refresher course so they are reminded of LR obligations when they make decisions that impact agencies but are outside of the respective agencies' control. **Knowles** explained that OO has total control over various buildings in the DC area, i.e., GWCC, the Whitten and Yates buildings, etc., and recommended they talk further after the meeting regarding this issue. After the discussion on that topic ended, **Ketner** informed the group he is retiring in June and this will be his last meeting; he also stated it has been a pleasure knowing everyone. **Knowles** commented that **Ketner** informed him of this just before today's meeting, then thanked him for his efforts and involvement over the past 1-1½ years advocating issues and he often sees the larger picture when dealing with issues. **Knowles** added he has enjoyed working with **Ketner** and has appreciated his viewpoint. **Primrose** congratulated **Ketner** on his career and stated she welcomed his recognition of her as a partner and enjoyed working with him. **Ketner** asked about the process for identifying a new co-chair; **Knowles** responded the Labor caucus determines their new member.

Wrap Up and Confirmation of Remaining 2016 Meeting Dates: **Ketner** closed the meeting and **Knowles** informed the group the next meeting is scheduled for July 20, 2016.

Adjournment: The meeting adjourned at approximately 2:00 p.m.